

INVESTIGATION EXECUTIVE SUMMARY

[REDACTED]
[REDACTED]

To: Darci Mohr
Director of Human Resources
Adams 14 School District

Subject: Investigation of Student Incident

Conducted by: Mark Flynn
Employment Matters LLC Flynn Investigations Group

Date of Report: February 24, 2019

Investigation

Active: January 28, 2019 to February 24, 2019

Procedure: Darci Mohr, Director of Human Resources for the Adams 14 School District, contacted Mark Flynn of Employment Matters LLC Flynn Investigations Group (“EMFIG”) to conduct an investigation in response to a report that a member of the Adams 14 School District (“the District”) Board of Trustees (“the Board”), William Hyde, PhD. scratched a [REDACTED] grade student at Monaco Elementary School on January 24, 2019.

Interviews took place at the District or by telephone. I interviewed the following individuals on the dates noted:

February 1, 2019:	Connie Quintano, Board President (by telephone)
February 1, 2019:	Timmio Archuleta, Board member (by telephone)
February 1, 2019:	Dave Rolla, Board member
February 1, 2019:	Javier Abrego, District Superintendent
February 1, 2019:	Kristen West, Principal Monaco Elementary
February 5, 2019:	[REDACTED] and [REDACTED] (and sister)
February 15, 2019:	Bill Hyde and Pam Hyde

Attachments:

1. Adams 14 Visitors To School policy - File: KI
2. Adams 14 Visitors To Schools Regulations - File: KI-R
3. Adams 14 Public Conduct on District Property - File: KFA
4. Adams 14 Part-Time and Substitute Professional Staff Employment/Qualifications of Substitute Staff - File: GCG/GCGA
5. Adams 14 Student Discipline - File: JK
6. Adams 14 Use of Physical Intervention and Restraint - File: JKA
7. Adams 14 Discipline of Students with Disabilities – File: JK*-2

8. Pamela Hyde 5/21/2018 Substitute Feedback Form Re: Lester Arnold High School
9. Dr. Hyde Notice of Investigation
10. Pamela Hyde Notice of Investigation
11. Adams 14 Student Incident Report
12. Kristen West Statement of events
13. Hand-written statement from six students
14. [REDACTED] hand written statement and Ms. West's hand-written description of same
15. Photograph 1
16. Photograph 2
17. Veronica Jeffers email summary of three student witness accounts
18. [REDACTED] and [REDACTED] email responses to RFI
19. Dr. Hyde's January 2018 blog post
20. Dr. Hyde's 1/31/2019 Email response to circulation of the 1/2018 blog post
21. 2/6/2019 Email to Dr. Hyde Re: Monaco incident investigation interview
22. Dr. Hyde's 2/13/2019 blog post – "I Did What?"
23. Dave Rollo summary statement
24. Dr. Abrego summary statement
25. 2018 Emails Re: Rose Hill Elementary from Dr. Abrego
26. Kristen West summary statement
27. Pam Hyde District Policies Acknowledgment forms

Background and Scope Summary

The subject incident occurred at Monaco Elementary School on January 24, 2019. Pam Hyde was engaged as a substitute teacher that day in a fifth grade classroom. District School Board member Bill Hyde, PhD., and Mrs. Hyde's husband, joined Mrs. Hyde's classroom at an unspecified time. Based on Dr. Hyde's description, it appears he joined Mrs. Hyde in her classroom during the class before the student's ([REDACTED]) [REDACTED] class with Mrs. Hyde. After segregating the class by gender (girls with Mrs. Hyde and boys with Dr. Hyde), [REDACTED] claims that Dr. Hyde grabbed and scratched his arm as part of sitting him into his chair and moving the chair backwards. Dr. Hyde describes his actions differently, claiming no such abrasive contact occurred.

In addition to that interaction, this report addresses whether Dr. Hyde exceeded his authority as a District Board member by engaging as a teacher with Mrs. Hyde on this occasion and engaging in physical intervention with a student, also reasonably considered disciplining a student. According to other members of the Board and Superintendent Abrego, during a Board meeting executive session in January 2018, the Board counseled Dr. Hyde not to engage with students in classrooms as a teacher, rather than a visiting Board member, and the impropriety of his physically engaging students or disciplining students.

Standard of Proof

[REDACTED]

[REDACTED]

[REDACTED]

The standard of proof applied to the allegations addressed in this report is the preponderance of evidence standard applied in most civil court cases addressing equal employment opportunity matters. A preponderance of evidence means that a version of facts or causes is deemed more likely than not the correct version. Thus, the findings articulated here employ the language, “more likely than not” or its counterpart, “less likely than so” in the absence of unqualified corroboration of the subject allegation. Inconclusive findings might result in the rare instance when the issue or competing version of facts or causes appears equally balanced.

Summary of Findings

1. This investigator finds it more likely than not that on January 24, 2019, Dr. Hyde violated District policy regarding Visitors To Schools at Monaco Elementary School by interfering with teaching when he assumed the role of substitute teacher.
2. This investigator finds it more likely than not that Dr. Hyde violated District policy by disciplining students on January 24, 2019 at Monaco Elementary School because he is not a certified substitute teacher.
3. This investigator finds it more likely than not that Dr. Hyde scratched the arm of a [REDACTED] grade student by grabbing his arm above the elbow to stand him up, then sitting him down and moving his stool backwards, which constitutes a violation of District policy as an unjustified physical intervention.
4. This investigator finds that Pamela Hyde violated District policy regarding Visitors To Schools at Monaco Elementary School on January 24, 2018, by permitting Dr. Hyde to act as substitute teacher in the class she was engaged to teach.
5. This investigator finds that Pamela Hyde violated District policy by permitting Dr. Hyde to discipline students at Monaco Elementary School on January 24, 2018.

Executive Summary

Dr. Hyde asserts that he “steadied” the student on January 24, 2019, “by holding his arm so that he would not fall off the stool when he slowly slid the stool with him on it a distance of three to four feet...” This description comes from Dr. Hyde’s 2/13/2019 blog post on the subject.¹ There, as described in more detail below, he also writes that the student got up and “said in a soft voice ‘child abuse’, and walked out the door.” In his 2/15/2019 interview with this investigator, Dr. Hyde described the incident similarly, but there represented that he did not observe the student speak the word, only heard it. Dr. Hyde’s 2/13/2019 blog post goes on to say that the student was unresponsive when Dr. Hyde stepped into the hall and asked the student to speak to him. Dr.

¹ This investigator did not prepare a summary statement in Dr. Hyde’s interview. That seemed impossible under the circumstances based on Dr. Hyde and Mrs. Hyde’s combative behavior. Thus, quotations or statements attributed to Dr. Hyde derive from his 2/15/2019 blog post, which he also emailed to this investigator.

Hyde writes: “He did not even turn around to acknowledge my speaking to him. He simply continued slowly and casually down the hallway tossing his cube.” Next, Dr. Hyde indicates returning to the classroom before “we had a group of boys who were wrestling and/or least attentive leave the room escorted by the office personnel.”

Before even considering information from the student and other student observers, it seems appropriate to recognize that for multiple reasons Dr. Hyde’s self-described conduct appears well short of reasonable expectations under the circumstances, and also representing multiple violations of District policy.

Dr. Hyde says he asked the student to give him a “medium sized cube” he was tossing in to the air as he walked into the room, “and he said no and walked away.” Dr. Hyde describes having the choice of either “dealing with him or dealing with the other boys” he describes as “rowdy.” Significantly, Dr. Hyde states, “I also realized that he most probably had an IEP and/or special dispensation, but without any instructions or information about who was supposed to be in the classroom, under what conditions, we didn’t have anything to go on.” In his interview, Dr. Hyde also described the student as likely on the [REDACTED],’ thus his careful communication of his intent to move him before doing so because ‘they don’t like to be moved.’² According to Interim Principal Kristin West, the student “has a [REDACTED],” but is not on an [REDACTED]. Thus, Dr. Hyde’s physical contact and movement of the student appears ill advised from the start. Ms. West identifies the cube as “an orange thousands math cube that he was using as a fidget.” The student explains that his regular teacher gave him the cube to help with concentration. Hence, Dr. Hyde’s decision to take the cube away, likewise, appears ill advised. Although it appears true that, as the substitute teacher, Mrs. Hyde did not possess special instructions regarding the student and his cube, Dr. Hyde’s assumption of the role of teacher and disciplinarian appears inappropriate, as well as violation of District policy. Dr. Hyde is not a registered substitute teacher as required under Adams 14 policy pertaining to “Part-Time and Substitute Professional Staff Employment/Qualifications of Substitute Staff – File: GCG/GCGA.” (Attachment 4)

Dr. Hyde paused before responding in the negative when asked if he disciplined the student. Although a subjective interpretation of the term (“discipline”) can easily justify the response, it appears accurate to say Dr. Hyde disciplined the student based on his own description of the subject interaction. In fact, Dr. Hyde engaged in discipline with a different student before the interaction at issue by asking a student named [REDACTED] into the hallway and explaining the prospect of Dr. Hyde sending him to the office. Dr. Hyde did so again by sending a group of six boys to the office after the interaction at issue. Dr. Hyde’s consistent use of “we” regarding classroom decisions that day clearly demonstrates his joint role in Mrs. Hyde’s substitute teacher assignment that day. At his interview, Dr. Hyde unequivocally stated that he is not a certified

² Fairly early into the approximately one-hour interview with Dr. and Mrs. Hyde, this investigator asked if they were recording the meeting. Dr. Hyde and Mrs. Hyde acknowledged doing so. Two smart phones lay before them. Both indicated their willingness to share their recording, “if we can figure out how to send it.” Dr. Hyde has since indicated by email that it was a qualified agreement and Mrs. Hyde deleted the recording. Although Dr. Hyde might have made his own recording, it appears fruitless to pursue the request further.

teacher. In response to that subject, Mrs. Hyde interjected that Dr. Hyde is on the school board and ‘can do whatever he wants.’

The District addresses “Visitors To Schools” in two policies (File: KI and File: KFA). (Attachments 1 and 2) File: KI specifically limits visitors to: “3. Board members and other persons invited by the district for official business purposes.” The same policy seeks “[t]o ensure visitors do not disrupt the education process or other school operations...” Like Ms. West, Dr. Hyde described that Board members often visit schools to meet staff and students and “read to the students.” Ms. West corroborates that Dr. Hyde visited her upon entering Monaco Elementary School on January 24, 2019, and that he was wearing a nametag. According to Ms. West, “He said he was going to walk around and visit students or classrooms.” Although Dr. Hyde can be considered “accompanied by a district employee for some or all of the visit” given Mrs. Hyde’s engagement as a substitute teacher at Monaco Elementary that day, it seems most clear that Dr. Hyde did not have authority to act as a substitute teacher or co-teacher in Mrs. Hyde’s classroom for the day. Mrs. Hyde does not possess authority to designate Dr. Hyde as a substitute teacher, and neither Ms. West as the school principal nor Dr. Abrego as Superintendent gave Dr. Hyde permission to do so.

File: KI-R begins, “The highest priority of the school district is to provide a safe learning environment that enables students, staff and community to access a high quality education. Reasons for denying a school visit include: “Any conduct intended to obstruct, disrupt or interfere with teaching...” Most evident under the totality of these circumstances is that Dr. Hyde’s assumption of a teacher’s role when he joins his wife while she is engaged as a substitute teacher intentionally interferes with teaching and violates District policy pertaining to qualifications of a registered substitute. (Attachment 4) Mrs. Hyde would almost certainly disagree with the determination of interference. However, that perspective presumes her responsibility as a substitute teacher can be delegated to her husband, Dr. Hyde, because he is a Board member. That does not appear accurate or appropriate, and her doing so appears to abdicate her responsibility as a substitute teacher. Thus, Mrs. Hyde shares responsibility for violations of District policy attributed to Dr. Hyde as reflected in the Summary of Findings section above.

This is not an overly strict interpretation of policies for visitors or qualifications for substitute staff. Ms. West and other Board members acknowledge that Board members are encouraged to visit schools and sometimes interact with students and staff, such as by reading to students. The subject incident, however, occurred under very different circumstances. Actively assuming the role of teacher is not the same as visiting schools as a Board member. Moreover, this appears to be a habitual practice of Dr. Hyde and Mrs. Hyde, where they each assume separate teaching responsibilities in the classroom. Dr. Hyde states:

For some time Pam has enjoyed subbing occasionally in the District. She does it mostly to stay connected to what’s going on in the schools and to help out with the teacher shortage which is epidemic in Adams 14. As part of my job as a Board member I routinely visit schools and classrooms. *From time to time I will join my wife for part of the day.* Each of us has decades of experience in education at all levels and under many



different conditions. *The benefit of having two of us in the same classroom is tremendous because it allows us to split the class and concentrate more intently on a smaller group of kids or to have one of us work with off-task students while the other works with the balance of the class.* []

In this case, I came into the classroom at the tail end of a [REDACTED] grade class. Once they were dismissed Pam and I were discussing whether I would stay for the next class or not. Pam, my wife, had very little to go on as the instructions left for her for the class were insubstantial, untenable, and of very dubious educational content. We were still thinking about what and how we might teach the next class when they began coming in. [Dr. Hyde next describes groups of students coming into the classroom separately and Mrs. Hyde being informed that she would have a class and one-half.] Pam decided to split the class with the girls in the back with her and me with the boys in the front of the classroom.

Attempts to quantify just how often Dr. Hyde joins Mrs. Hyde in the classroom as a substitute teacher were unsuccessful, but this investigator suspects that “from time to time” is an understatement. Support for that assessment derives from a previous blog post from Dr. Hyde. (Attachment 14) Calling for additional community support for its schools, Dr. Hyde writes in significant part in early 2018:

2. A couple of weeks ago I assisted my wife when she was a substitute teacher at Rose Hill. While one particular special ed student was in the classroom, *I spent my entire time trying to corral the student while my wife worked with the rest of the class.* Left unattended, this child will interfere with any learning that is attempted by the whole class. Everyone loses. Regular students lose learning time; teachers lose their ability to direct learning in an unencumbered environment. The community loses because our students fall further and further behind, perpetuating destructive beliefs regarding the intelligence levels and abilities of our students and families.

Dr. Abrego provides email exchanges with the Principal from Rose Hill Elementary School from early February 2018, which substantiate Dr. Hyde joining Mrs. Hyde on substitute teacher engagements at the school for full days. (Attachment 25) The school’s principal answers in the affirmative the question of interference by Dr. and Mrs. Hyde in doing so. Also, a substitute teacher feedback form completed by Mrs. Hyde for her engagement as a substitute teacher at Lester Arnold High School on May 21, 2018 reads in pertinent part: “thanks for having Bill and I substitute for you today.” (Attachment 8) Thus, these are not isolated instances. District policies regarding school visitors and substitute teacher qualifications are implicated irrespective of the 1/24/2019 incident.

Moreover, the issue regarding the 1/24/2019 incident is exacerbated by the Board’s previous attention to concerns with Dr. Hyde’s January 2018 blog post. (Attachment 14) Although Dr. Hyde claims not to recall it, Dr. Abrego, Ms. Quiantana, Mr. Rollo, and Mr. Archuleta each describe addressing their concerns with Dr. Hyde engaging with students in their January 2018 Board meeting during executive session. The Board President at the time, Mr. Archuleta also recalls meeting one-on-one with Dr. Hyde to address the concern. Mr. Archuleta recalls

[REDACTED]

[REDACTED]

[REDACTED]

specifically informing Dr. Hyde that it is not Dr. Hyde's job as a Board member to assist his wife in substitute teaching roles and that Dr. Hyde puts the District in jeopardy by engaging in conduct that might be considered disciplining or restraining a child. This is in direct response to Dr. Hyde's use of the word "corral" in reference to his interaction with a special education student.

Dr. Hyde represents that "trying to corral" a student does not necessarily mean making physical contact. That is true, but neither does the term exclude physical contact. As described by Dr. Hyde, it seems entirely plausible that he did make some physical contact with that student in the process of "trying to corral" the student. This would appear accurately identified as "physical intervention" under District policy, File: JKA. (Attachment 6) File JK-2 addresses discipline of a student with a disability. (Attachment 7) It requires adherence to the IEP of the particular student and nothing about Dr. Hyde's description of his role in Mrs. Hyde's classroom that day indicates knowledge of or adherence to the policy, despite the Board's attention to such matters not so long ago. Although Mr. Archuleta recalls Dr. Hyde responding to the Board's concerns by indicating he would not tag along with his wife and agreement to stay out of the classroom, others including Mr. Rolla recalls it differently. Mr. Rolla states, "Dr. Hyde represented that he had not done anything wrong, that he went after a student running around the classroom. We told Dr. Hyde that he shouldn't be there unless he had permission from the principal. I don't think Dr. Hyde responded to that." Ms. Quintana describes Dr. Hyde as nonchalant in response and his never agreeing not to do it in response to Board direction that Dr. Hyde should not touch a child or be in a classroom like a hired person even if his wife is substituting. Dr. Abrego, too, recalls the Board's discussion similarly. Dr. Abrego states in part:

Timio Archuleta made it very clear to Dr. Hyde that he should not be touching or disciplining kids; that it was not his role to discipline students. The Board generally indicated to Dr. Hyde that he should not be in the classroom with his wife while she is substitute teaching.

In consideration of the comments from other Board members and Dr. Abrego, it appears well established that Dr. Hyde was admonished about taking an active role in the classroom when Mrs. Hyde worked as a substitute teacher. It also appears that Dr. Hyde has ignored that counsel and direction, which makes the 1/24/2019 incident all the more concerning.

Monaco Elementary School Incident on January 24, 2019

Ms. West and others at Monaco Elementary School responded promptly and effectively to the incident. That detail follows Dr. Hyde's own depiction.

To start his blog post, Dr. Hyde states that the Sheriff's Office "did contact me within 48 hours and concluded that there was not need to pursue the situation any further." (Attachment 22) Thus, it seems Dr. Hyde drafted the blog post within two days of the incident, which explains the uncertainty to begin his description of interaction with the ■■■-year old student involved in the 1/24/2019 incident.



The other probable student who may have filed an allegation was a student who came into the room tossing a medium-sized cube. I first asked for the cube, and he said no and walked away. At that instant I had the choice of either dealing with him or dealing with the other boys. I chose to deal with the rowdy kids on the floor at the front of the class. *I also realized that he most probably had an IEP and/or special dispensation*, but without any instructions or information about who was supposed to be in the classroom, under what conditions, we didn't have anything to go on. (emphasis supplied)

A few minutes later when I was trying to work with the boys while Pam was with the girls in the back of the room, the student in question again ignored my requests for him to sit with the others. At this point he was sitting on a low stool blocking the other boys from aggregating around me at the front of the room. I asked him to sit on the floor with the other boys and he gave no response, verbally or otherwise. *He continued to toss and catch the cube sitting on the stool among the boys who were to some extent attempting to arrange themselves as I had instructed*. (emphasis supplied)

As he was non-responsive to my request first to sit on the floor and subsequently to move away from the other boys, I told him that I was going to move him. I bent over to reach the stool. With one hand I held the stool and with the other hand I steadied the boy by holding his arm so that he would not fall off the stool and slowly slid the stool with him on it a distance of three or four feet toward the outer edge of the half circle of boys arranged on the floor. While I moved the stool and him he made no effort to resist or object. *When I turned my attention back to the rest of the students he got up, said in a soft voice "child abuse", and walked out the door*. I stepped into the hallway and asked to speak to him. He did not even turn around to acknowledge my speaking to him. He simply continued slowly and casually down the hallway tossing his cube. (emphasis supplied)

That Dr. Hyde allowed a student he describes as having an IEP or "special dispensation" to walk away from the classroom unaccompanied just after his physical interaction with the student resulting in the student's claim of "child abuse" speaks volumes. The other students who Dr. and Mrs. Hyde sent to the office went with an escort. After Ms. West visited the classroom, according to Dr. Hyde, "inquiring if anyone had been hurt," Dr. Hyde and Mrs. Hyde left the school before the end of the day. Mrs. Hyde represents some misunderstanding in response to Ms. West's email about her leaving early. Whatever Mrs. Hyde's explanation, the student's statement of "child abuse" and the principal's inquiry would reasonably seem to prompt additional communication, not an exit. Mrs. Hyde's early departure under these circumstances appears both calculated and irresponsible. The same goes for Dr. Hyde, but the primary responsibility appears to rest with Mrs. Hyde because she was actually engaged to work as the substitute teacher that day.

As this investigator conveyed to Dr. and Mrs. Hyde on February 15, 2019, the absence of criminal charges or law enforcement's further investigation of the matter in no way resolves the matter from a civil liability, District or any other perspective. It only means criminal charges will not ensue. Notably, too, later communications indicate the investigating officer initially assumed



Dr. Hyde was acting as a substitute teacher so might have some protection for disciplining a student. No such protections exist under these circumstances because Dr. Hyde is not a certified teacher or registered substitute teacher with the District. That status requires Board of Education approval after a criminal background check and finger printing per District policy. (Attachment 4) Even after correcting that faulty assumption, the decision not to press charges remained, apparently due to the absence of serious injury after examining the scratches following treatment provided by [REDACTED].

Dr. Hyde describes the student saying, "No," in response to his request to give him the cube as the student entered the class. In his interview, Dr. Hyde represented that the student was completely unresponsive to his statements and direction before leaving the classroom. The student tells it differently as described by Ms. West in her "Statement of events." (Attachment 12):

He explained that he was using a fidget when the substitute (Dr. Hyde) said to give it to him, and the student told the adult no. [The student] reported that the sub said, "I'm calling the office," and grabbed the student by the arm and pushed him to sit on a stool, scratching him in the process.

Ms. West provides the written statements from the six students sent to the office separately. (Attachment 13) These statements are not particularly useful, but tend to illustrate that some of the students felt unfairly punished by Dr. Hyde by being sent to the office. Ms. West also asked the student to write down what happened and asked the student to read it to her. Ms. West hand-writes the student's remarks on the back, which seem to incorporate the student's verbal description of events in addition to reading from his written statement. (Attachment 14) The side of the page written by Ms. West reads:

I had a cube in my hand and he told me to give it to him and I said no. My teacher gave it to me. I had student read his statement. He said Dr. Hyde grabbed him out of his chair and was holding him hard and scratched him. He then moved me and moved my chair then sat me back in it.

Dr. Hyde represents that the student was stationary and that he never took the student's arm to stand him up or sit him in the seat he acknowledges moving, but Dr. Hyde only using his left hand only to stabilize the student in the process of moving him and his stool. The student described it differently during his interview and consistent with the reports of others, whereby Dr. Hyde grabbed him up out of his seat by the arm and then pulled him back down onto the seat as he grasped the leg of the stool and moved both him and the stool backwards.

The student attended the interview with his mother and older sister. A translator was arranged for the student's father. The father could not attend so the translator was excused, but the student's mother seemed to struggle with some of the dialogue. The student's sister was a help, whom clarified that the student was describing being stood up and then brought down onto the seat through the power of Dr. Hyde's hand grasping his arm. This investigator suggested the scratches were on his forearm, and the student corrected that the scratches were made at his right

[REDACTED]

[REDACTED]

[REDACTED]

bicep above the elbow. The student added that for a short time he could see a digit imprint on his arm from Dr. Hyde's thumb or fingers. The student's mother most clearly articulated that Dr. Hyde should never be in a classroom with children again.

Veronica ("JB") Jeffers also interacted with the student, as well as the three students identified as witnesses to the incident. Ms. Jeffers' email to Ms. Mohr on January 25, 2019 details what each student said to Officer Hessler and Officer Duran from the Adams County Sheriff's Department. (Attachment 17) The first of the three students provides in part: "I saw one of the teachers grabbed him kind of tight and shoved him into a chair. Sat him against the wall." "He said, 'ouch, that hurt!'" The second of three students provides in part: "We were doing A.B.C's. [The student] had a cube. Then one of the teachers grabbed him and scratched him on the arm. [The student] said, 'Ouch!'" The girl teacher wanted to do it in groups and the male teacher said the boys didn't want to do it. We (sic) the man teacher separated us into boys and girls." The third of three students provides in part: "The kid with the cube only talked once." (Did it look like it hurt to you?) "Yes, because I saw the scratch." (What did the student do when he let him go?) "He said ouch and that it hurt, then said child abuse." (Were you scared when he grabbed him?) "I was mad because that kid is not his child."

Dr. Hyde says the student never said, "Ouch," "That hurt," or anything like that, but the student accounts and the scratches (mild they may have been) also observed by students and adult staff alike indicate otherwise. The pictures are not of great quality and by all accounts the trace of blood from one scratch was not detectable after treatment. (Attachments 15 and 16) It seems the incident frightened the student more than it hurt, but hurt enough to be shocking to the student and observers. It also seems most likely that Dr. Hyde was angry at the time, frustrated by a perceived lack of control in the classroom and the student's defiance. Contrary to Dr. Hyde's account, it appears the grab and maneuver took place in response to the student's refusal to give up the cube, not unresponsiveness to Dr. Hyde's direction to sit on the floor with others. Overall, the students are more believable in their accounts. It seems most likely that Dr. Hyde's fingernails made the scratches in what is reasonably characterized as an act of discipline and physical intervention.

Dr. Hyde has no authority to discipline a student, and did not possess such authority under these circumstances. Even if Dr. Hyde were deemed authorized to act as a substitute teacher at Monaco Elementary on January 24, 2019 (which is not this investigator's determination), the incident demonstrates a violation of District policy as an inappropriate physical intervention with a student. File: JKA states (Attachment 6):

Within the scope of their employment, district employees may use reasonable and appropriate physical intervention with a student that does not constitute restraint as defined by this policy, to accomplish the following:

1. To quell a disturbance threatening physical injury to the student or others;
2. To obtain possession of weapons or other dangerous objects upon or within the control of the student;
3. For purposes of self-defense; or



4. For protection of persons against physical injury or to prevent the destruction of property, which could lead to physical injury to the student or others.

Assuming Dr. and Mrs. Hyde might describe that the student was causing a disturbance at the time, nothing about what they describe represents the threat of physical injury to the student or others. Each other category that might justify only reasonable and appropriate physical intervention is clearly inapplicable.

Mrs. Hyde suggested that the student engaged in self-harm on his walk to the office. That may be possible, but the student accounts refute that. Asked if she saw Dr. Hyde “move” the student as he describes, Mrs. Hyde replied no. Mrs. Hyde then insisted that she maintains a reliable scan of the classroom to assert that if anything happened like this investigator informed Dr. Hyde others reported, then she would have seen it. To that this investigator reminded Mrs. Hyde of how she and Dr. Hyde described the raucous state of the classroom at the time, indicating there was plenty of distraction to counter her assertion. Both Mrs. Hyde and Dr. Hyde paused in response, seemingly not so much in reflection on the event itself, but in contemplating how to counter the logic.

Dr. Hyde makes statements critical of this investigator in his blog post, mostly related to perceived slowness regarding direct communication and this investigator not providing Dr. Hyde “a statement of the alleged incident.” However, Dr. Hyde’s statements belie the fact that he was contacted on the afternoon of Monday, February 4, 2019 by a District representative attempting to schedule separate interviews with this investigator for him and Mrs. Hyde two days later. Dr. Hyde responded by email that evening writing:

Monica, I got your message from this afternoon. Please let the investigator know that we would like a copy of the written report/statement before either of us meet with him. Also, since, from your message, it sounds like he wants to meet with each of us separately, we should go ahead and schedule them separately. My schedule is quite different than Pam's, and it will be difficult to coordinate them. That's why I'm suggesting that they be scheduled separately. Once we have received a copy of the written report, I will give you some dates of my availability.

Counsel to the Board provided the following response on February 6, 2019, also copied to this investigator:

Dr. Hyde,

I understand from Monica that you have requested “a copy of the written report/statement” in advance of meeting with the investigator. There is no report or statement to share at this time because the investigator has not completed his investigation (and therefore, has not made any findings). Nonetheless, I am able to detail the scope of the investigation so that you understand what areas of inquiry to expect during your interview. It is alleged that you moved a [REDACTED] grade boy during class by

[REDACTED]

[REDACTED]

[REDACTED]

taking his chair with one hand and grasping the boy's arm near his elbow with your other hand. The action is said to have scratched the boy's arm. This is the same action addressed with you by police. It is the District's intention to understand your side of this alleged incident, and further understand what role you played during the class, as well as why you were present.

I hope this addresses your concern.

Thus, Dr. Hyde's blog post appears to stretch the truth in asserting he and Mrs. Hyde received no contacts and no information as of February 13, 2019. When Dr. and Mrs. Hyde arrived together at District offices to interview on February 15, 2019, they insisted on Mrs. Hyde's participation in Dr. Hyde's interview scheduled first. Dr. Hyde's email communication above indicates his willingness to respect this investigator's request that they interview separately, but it seems he (and Mrs. Hyde) had no such intention. Dr. Hyde and Mrs. Hyde were each combative, loud, aggressive, and insulting, especially to begin the interview.³ After confirming that the Hyde's were recording the interview without mention, each agreed to provide a complete copy to this investigator. This occurred at least twice. They have not provided the recordings. These circumstances leave the impression that the Hyde's operate in half-truths and intimidation. In consideration of the totality of these circumstances, the student and three other students closest to the incident appear most reliable.

Conclusion

These findings are not made lightly. Teaching and other positions in public education are noble and often thankless professions. Thankfully, no serious harm occurred under these circumstances, and there is no indication that Dr. Hyde intended to harm the student. Dr. Hyde and Mrs. Hyde seem to have good intentions for the District, but only on their terms, and in apparent defiance of other Board members, common sense, and District policy that supports no entitlement for Dr. Hyde to assume the role of teacher and physically address a student under any circumstances.

Final Analysis

Ultimately, decision-makers for Adams 14 are responsible for assessing whether the facts of this matter support the allegations presented here or otherwise establish unacceptable conduct. This investigation report is intended to be a primary tool for that analysis by identifying the relevant allegations, providing analysis, and offering a finding under a preponderance of evidence standard. It is important to recognize that another person, such as a judge, a juror, or a decision maker for Adams 14 might reach conclusions different than those made by this investigator based on the same or additional information.

END REPORT

³ For example, when this investigator referenced the 2/13/2019 blog post as part of a question, Dr. Hyde suggested this investigator lacks mental capacity to understand and retain its contents, perhaps necessitating rescheduling.

Respectfully submitted,

Mark J. Flynn, Esq.



Mark J. Flynn
Employment Matters LLC
Flynn Investigations Group

